

1 ALSCHULER GROSSMAN LLP
 Marshall B. Grossman - (SBN 35958)
 2 William J. O'Brien - (SBN 99526)
 Tony D. Chen - (SBN 176635)
 3 Dominique N. Thomas - (SBN 231464)
 The Water Garden
 4 1620 26th Street
 Fourth Floor, North Tower
 5 Santa Monica, CA 90404-4060
 Telephone: (310) 907-1000
 6 Facsimile: (310) 907-2000

7 BINGHAM McCUTCHEN LLP
 Donn P. Pickett (SBN 72257)
 8 Mary T. Huser (SBN 136051)
 Adrienne L. Taclas (SBN 166115)
 9 Three Embarcadero Center
 San Francisco, CA 94111-4067
 10 Telephone: (415) 393-2000
 11 Facsimile: (415) 393-2286
 Attorneys for Defendant and Counterclaimant,
 12 BLOCKBUSTER INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 NETFLIX, INC., a Delaware corporation,

16 Plaintiff,

17 v.

18 BLOCKBUSTER, INC., a Delaware
 corporation, DOES 1-50,

19 Defendant.

20 AND RELATED COUNTERCLAIMS
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Case No. C 06 2361 WHA (JCS)

DECLARATION OF DOMINIQUE N.
 THOMAS

Hearing Date: TBD
 Time: 9:30 A.M.
 Courtroom: A, 15th Floor
 Magistrate Judge: Joseph C. Spero
 Complaint Filed: April 4, 2006.

DECLARATION OF DOMINIQUE N. THOMAS

LA/40376488.2/3006338-0000325413

1 I, Dominique N. Thomas, declare as follows:

2 I am an associate in the law firm of Alschuler Grossman LLP, the attorneys of record
3 herein for Defendant and Counterclaimant Blockbuster Inc. ("Blockbuster") in this action, and
4 have personal knowledge of each and all of the facts stated in this declaration. If called to testify
5 as a witness, I could and would do so competently.

6 1. Have you ever expressed any opinion on the validity of either the '450 patent or
7 '381 patent at issue in this case?

8 Answer: No

- 9 • How often?
10 • When?
11 • To whom?
12 • Was that opinion expressed orally or in writing?
13 • If in writing, was the writing preserved?

14 2. Have you ever mentioned the opinion letter written by Baker & Botts as to the
15 validity of the '450 patent to anyone at Blockbuster?

16 Answer: No

- 17 • How often?
18 • When?
19 • To whom?
20 • Was that comment expressed orally or in writing?
21 • If in writing, was the writing preserved?

22 3. Have you mentioned the opinion letter written by Blakely Sokoloff Taylor &
23 Zafman as to the validity of the '381 patent to anyone at Blockbuster?

24 Answer: No

- 25 • How often?
26 • When?
27 • To whom?
28

- 1 • Was that comment expressed orally or in writing?
2 • If in writing, was the writing preserved?
3 4. Have you ever discussed with anyone at Blockbuster the general subject matter of
4 the validity of the '381 patent?

5 Answer: I don't recall any discussions

- 6 • How often?
7 • When?
8 • To whom?
9 • Was that discussion oral or in writing?
10 • If in writing, was the writing preserved?
11 5. Have you ever discussed with anyone at Blockbuster the general subject matter of
12 the validity of the '450 patent?

13 Answer: I don't recall any discussions

- 14 • How often?
15 • When?
16 • To whom?
17 • Was that discussion oral or in writing?
18 • If in writing, was the writing preserved?

- 19 6. Have you made any comment to anyone at Blockbuster about the evidence
20 concerning the validity of the '381 patent?

21 Answer: No

- 22 • How often?
23 • When?
24 • To whom?
25 • Was that comment made orally or in writing?
26 • If in writing, was the writing preserved?

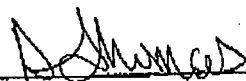
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- How often?
- When?
- To whom?
- Was that discussion oral or in writing?
- If in writing, was the writing preserved?

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 27, 2007 in Los Angeles, California.



Dominique N. Thomas

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DECLARATION OF DOMINIQUE N. THOMAS

1 PROOF OF SERVICE

2 I am over 18 years of age, not a party to this action and employed in the County
3 of Los Angeles, California at 355 South Grand Avenue, Suite 4400, Los Angeles, California
4 90071-3106. I am readily familiar with the practice of this office for collection and processing
5 via electronic transmission that same day in the ordinary course of business.

6 Today I served the attached:

7 **DECLARATION OF DOMINIQUE N. THOMAS**

8 ☒ (BY ELECTRONIC TRANSMISSION) This document was transmitted, without
9 exhibits, by electronic transmission from ryan.nishimoto@bingham.com and the
10 transmission was reported as complete and without error. I then caused the
transmitting e-mail account to properly issue a report confirming the electronic
transmission.

11 Susan J. Harriman, Esq.
12 Eugene Paige, Esq.
13 KEKER & VAN NEST, LLP
14 710 Sansome Street
15 San Francisco, CA 94111-1704
16 Telephone: (415) 391-5400
17 Facsimile: (415) 397-7188
18 Email: sharriman@kvn.com
19 Email: epaige@kvn.com

Michael Raiff, Esq.
Rob Walters, Esq.
Dan Kelly, Esq.
Vinson & Elkins LLP
Trammell Crow Center
2001 Ross Avenue
Suite 3700
Dallas, TX 75201-2975
Telephone: (214) 220-7700
Facsimile: (214) 220-7716
Email: mraiff@velaw.com
Email: rwalters@velaw.com
Email: dkelly@velaw.com

20 I declare that I am employed in the office of a member of the bar of this court at
21 whose direction the service was made and that this declaration was executed on April 27, 2007.

22
23 
24 _____
25 Ryan M. Nishimoto
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